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RURAL DEVELOPMENT AND LOCAL ADMINISTRATION DEPARTMENT

AGENDA AND NOTES FOR THE PANCHAYAT DEVELOPMENT SEMINARS

(18th April to 25th May 1960)

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GOVERNMENT OF MADRAS
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PANCHAYAT DEVELOPMENT SEMINAR

NOTES AND AGENDA FOR SIX-DAY PROGRAMME OF DISCUSSIONS.

FIRST DAY (INTRODUCTORY)

AGENDA ITEM No. I—PREAMBLE OF THE NEW PANCHAYAT ACT.

An act to make better provision for the organization of Village and Town Panchayats and for the constitution of Panchayat Union Councils :

WHEREAS it is necessary in the national interest that the production of food should be increased progressively from year to year so as to keep pace with the growth of population and that the growth of population should be brought under control;

WHEREAS the measures designed to secure these two national purposes depend for their successful implementation on their being undertaken as part of a comprehensive programme of measures designed to promote rural employment, to improve rural living conditions, to provide cultural and recreational facilities in rural areas, and thus to raise the standard of living of the rural people;

WHEREAS such a comprehensive programme of measures has been framed and is embodied in the National Extension Service Scheme of Community Development, and, in pursuance of such scheme, various services are being organized, works constructed and other facilities provided in rural areas;

WHEREAS a stage has been reached when statutory provision has to be made for the setting up of local administrative organizations in rural areas so as to be capable of undertaking and discharging the responsibility for efficient maintenance and further progressive development of the services, works and other facilities aforesaid;

AND WHEREAS it is a Directive Principle of State Policy embodied in the Constitution that the State should take steps to organize village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government;

AGENDA ITEM No. II—THE NEW PANCHAYATS ACT ; THE OLD PANCHAYATS ACT; AND THE MADRAS DISTRICT BOARDS ACT.

1. *Preliminary.*—The Madras Village Panchayats Act, 1950 (which may be referred to as the Old Panchayats Act) and the Madras District Boards Act, 1920, form the statutory basis for the

authority as well [section 2 (10) of the new Act]. The Block Development Officer who heads the Extension Service Team in every Development Block will become the Panchayat Union Commissioner under the new Act [section 44 (1) of the new Act].

5. *Functions and powers.*—(i) Under the District Boards Act and the old Panchayats Act, certain functions were " mandatory ", certain " discretionary " and certain others " agency ". Some of these functions were overlapping and in those cases either the District Board or the Panchayat might perform the functions. In specifying the functions, powers and property of Panchayats and Panchayat Union Councils under the new Panchayats Act, the following procedure was adopted :—

An itemwise scrutiny was carried out of all the functions which under the old Panchayats Act and the District Boards Act, the Panchayats and the District Boards were either required or authorized to perform. To begin with, it was examined which among those functions were better performed directly by either a Government department or other statutory agency different from Panchayat Administration. Certain items were thus excluded. Then it was examined which among the functions performed directly by the departmental agencies of the State Government should be better performed by Panchayat administration. Certain items were then added. Thus the pool of functions which could conveniently be performed by Panchayat administration was arrived at. Steps were taken next to effect a distribution of this pool of functions as between the two tiers of federal structure of Panchayat administration; that is to say, the Panchayat Union for the Block as a whole and by the Panchayat individually within the village or town in its charge. Here again the criterion for decision regarding allocation in each case was the suitability of the agency for efficient and satisfactory performance of the particular function in question : In every case, a clear-cut settlement was arrived at so as to remove doubt or ambiguity in respect of the location of responsibility.

(ii) The three main items among the functions performed by District Boards which were excluded from the scope of Panchayat administration are—

(*a*) Responsibility for opening and maintenance of secondary schools [section 13 (vi) (*c*) of the new Act];

(*b*) roads already classified or hereafter to be classified as Major District Roads [sections 76 (1) and 77 (2) of the new Act]; and

(*c*) medical institutions distinguished as hospitals [section 13 (vi) (*b*) of the new Act].

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(iii) The following items which are outside the scope of both District Boards and Panchayats and which are looked after by Government departments are transferred under the new Panchayats Act to the Panchayat Administration :—

(*a*) Items of functions grouped under the name of National Extension Service Scheme of Community Development (section 66 of the new Act).

(*b*) Responsibility for development of elementary education on a planned basis so as to ensure universalisation of primary education during the Third Five-Year Plan period [section 65 (*e*) of the new Act].

(iv) Among the functions allotted to the Panchayat Unions as well as among the functions allotted to the Panchayats, the new Panchayats Act also establishes a distinction between what may be described as "mandatory", "discretionary" and "agency" functions.

6. *Taxation and Finance.*—(i) The Madras District Boards Act specified the rate (two annas in the rupee of land revenue) at which the land cess could be levied and the District Boards had no power to increase this rate (section 78 of the District Boards Act). The old Panchayats Act [section 63 (3) (*a*)] provided for the levy of land cess at three pies in the rupee of land revenue for panchayat purposes only. These sources as well as other existing sources of local taxation and revenue allotted to District Boards and Panchayats are continued under the new Panchayats Act in favour of the Panchayat Unions and the Panchayats without any decrease and subject only to consolidation and simplification in certain respects.

(ii) The following additional sources of revenue are made available to Panchayat Unions and Panchayats under the new Panchayats Act :—

(*a*) Land revenue assignment (section 118).

(*b*) Local cess surcharge on land revenue up to a prescribed maximum rate (section 116).

(*c*) Local cess surcharge matching grant (section 129).

(*d*) Local roads grant (section 131).

(*e*) Local education grant (section 128).

(*f*) Village house tax matching grant (section 132).

7. *Controlling authorities.*—The Inspector of Municipal Councils and Local Boards has been appointed under (section 37) of the Madras District Boards Act as the officer to inspect and superintend the operations of the district boards. The old Panchayats Act [section 2 (12)] defines the Inspector of Municipal Councils and Local Boards as the officer to exercise or perform the powers or

duties of the Inspector under the Act. The old Act (section 12) also provided for the appointment by the Government of one or more Regional Inspectors and of one or more District Panchayat Officers and Deputy Panchayat Officers for each revenue district to assist the Inspector. There is no specific provision in the new Panchayats Act for the appointment of officers with designations as "Regional Inspector", "District Panchayat Officer" and "Deputy Panchayat Officer"; but it (section 144) provides for the appointment of such officers as may be required for the purpose of inspecting or superintending the operations of all or any of the panchayat and panchayat union councils constituted under the Act. The new Act [section 2 (15)] also defines the term "Inspector" as any officer appointed by the Government to exercise or perform any of the powers or duties of the Inspector under the Act. Under these provisions the District Collectors have been appointed as "Inspectors" to exercise or perform any of the powers or duties of the Inspector under the Act so far as they relate to Panchayats in their respective jurisdiction. Similarly, the Additional Development Commissioner has been appointed as "Inspector" to exercise or perform the powers or duties in respect of all Panchayat Union Councils in the State. The Revenue Divisional Officers have been appointed under the new Act as officers to inspect or superintend the operations of all or any of the panchayats in their respective jurisdiction. In order to relieve the Inspector at the State level under the old Act, Collectors have been authorized under section 2 (12) of the old Act to exercise the powers and perform the duties connected with panchayats in their respective jurisdiction.

AGENDA ITEM No. III—VILLAGE PANCHAYATS.

1. *Jurisdiction*—(i) *Areas excluded from the jurisdiction of Village Panchayats.*—Under the Madras Panchayats Act, 1958, from out of the territory comprising each Development Block, certain localities will be classified as "Panchayat towns". These are localities with not less than 5,000 population and normal annual (Panchayat) income of not less than Rs. 10,000 [section 3 (1) (*a*)]. Such localities are unlikely to be numerous in any block. There may be one or two; and in some cases, none in a Block. In exceptional cases to be determined by special resolution of the Legislature, a locality may be declared as a "township" and this exceptional provision is intended for use when there is an industrial, labour or institutional colony or a health resort for which the normal financial arrangements of a Panchayat would be unsuitable (section 4).

(ii) *Area of a Village Panchayat.*—The entire area of a Panchayat Development Block (excluding localities, if any, classified as a Panchayat town or township) is to be subdivided into Panchayat villages. A "Panchayat village" may be (but need not necessarily be) identical with a "Revenue village". There is flexible provision

for delimitation of "Panchayat villages" subject only to the condition that no Panchayat village may have a smaller population than 500 [section 3 (1) (*b*)]. As a matter of administrative policy, no Panchayat village is to be constituted with a smaller population than 1,000, unless it is shown to the satisfaction of Government that such delimitation is unavoidable. Subject to this limit, the convenience and wishes of the local people will be respected in delimiting Panchayat villages.

2. *Constitution*—(i) *Governing Body*.—For every Panchayat Village a Village Panchayat is to be constituted. Subject to the provisions of the Act, the administration of the village is vested in the panchayat. The panchayat is a body corporate with perpetual succession and a common seal (section 8).

(ii) *Strength*.—The total number of members of a Panchayat shall be in accordance with a sliding scale prescribed with reference to population; but it shall be not less than five and not more than fifteen (section 10).

(iii) *Election*.—The members of the Panchayat are elected in the prescribed manner and no person can be elected or co-opted as a member of more than one Panchayat (section 14). For purposes of electing the members of the Panchayat, the village is divided into wards, each returning one member or more than one, as fixed for it (section 16). Election is by adult suffrage. The portions of the Electoral Roll of the Legislative Assembly relating to the Panchayat village is adapted as the Panchayat Electoral Roll (section 20). There is temporary provision for reservation of seats for Scheduled Castes [section 15 (1) and (2)]. There is permanent provision for securing that every Panchayat includes at least one woman member. If no woman member is returned by election, then the Panchayat is given the power to co-opt one woman member [section 15 (4)]. Members of Panchayat hold office ordinarily for five years [section 17 (1)].

(iv) *President and Vice-President*.—Every Panchayat elects its own President and Vice-President from among its members (sections 29 and 30). The President shall convene the meetings of the Panchayat. He shall have full access to the records of the Panchayat (section 33).

3. *Transaction of business*.—The proceedings of every Panchayat shall be governed by such rules as may be prescribed and by regulations framed by the Panchayat with the approval of the Inspector which are not inconsistent with the provisions of the Act or the rules made thereunder (section 51).

4. *Standing Committees*.—No specific provision has been made in the Act for the constitution of Standing Committees by Panchayats; but Panchayats may constitute Committee in

accordance with the rules framed by the Government under section 178 (2) (vii). There is, however, specific provision in the Act for the constitution of Joint Committees of Panchayats (section 52).

5. *Executive authority.*—In respect of Village Panchayats, the elected President functions not only as the Presiding Officer of the Village Panchayat, but also as the Executive Authority as well [sections 2 (10) and 40 (2)]. The Executive Authority should carry into effect the resolutions of the Panchayat, control all the officers and servants of the Panchayat and discharge all the duties specifically imposed and exercise all the powers conferred on the Executive Authority by the Act (section 43).

6. *Establishments*—(i) *Provisions of the Act.*—Panchayats are vested with the power to fix or alter the number, designations and grade of their officers and servants and the salaries, fees and allowances payable to them [section 57 (1)]. Such powers can be exercised only at the instance of the Executive Authority [section 57 (2)]. The Inspector has also been authorized to exercise the above powers to fix or alter the number, designations and grades of the officers and servants of the Panchayat and the salaries and fees and allowances payable to them. In such cases the Panchayat cannot vary the number, designations, grade, etc., without the previous sanction of the Inspector [section 57 (3)].

(ii) *Policy to be settled.*—Ordinarily in the case of village panchayats, there may be no need to appoint whole-time clerical staff. Every Panchayat is free to get the clerical work done by the Panchayat President free of charge; or a post of part-time clerk for doing clerical work on payment of a clerical duty allowance may be sanctioned. In the latter case, the Panchayat Presidents may appoint any person to such post. Two conditions must, however, be fulfilled, namely :—

(*a*) the cost of such clerical duty allowance does not exceed a scale prescribed in relation to its ordinary income (the scale has to be worked out); and

(*b*) the appointee has the prescribed minimum educational qualifications (the prescription has to be worked out).

As regards collection of taxes, if the Panchayat can get its collection done by the Panchayat President free of all charge or by the part-time clerk without exceeding the maximum limit prescribed for clerical duty allowance, it will be free to do so. Otherwise the entrustment of collection work to the Land Revenue Department must be made as provided for in section 126 of the Act. Copies of G.O. No. 1125, L.A., dated 22nd July 1958, regarding entrustment of collection work to village headman and a draft of supplemental instructions proposed to be issued are appended to this note (Appendices I-A and I-B).

7. *Mandatory and Discretionary functions.*—(i) In the note on Agenda Item No. II (the New Panchayat Act, the Old Panchayat Act and the District Boards Act), it has been explained as to how the functions of Panchayats and Panchayat Union Councils have been arrived at and how they have been allotted between Panchayats and Panchayat Union Councils.

(ii) The *mandatory functions* of Panchayats, that is those which according to the Act it is the duty of the Panchayat to make 'reasonable' provision for and which constitute a first charge on the resources of the Panchayat are specified in section 63 of the Act. They include—

(*a*) construction, maintenance and repair of all village roads;

(*b*) the lighting of public roads and public places in built-up areas;

(*c*) the construction of drains and disposal of drainage and sullage water;

(*d*) the cleansing of streets, removal of rubbish, etc.;

(*e*) the provision of public latrines;

(*f*) the opening and maintenance of burial and burning grounds; and

(*g*) the sinking and repairing of wells, etc.

(iii) The *discretionary functions* of Panchayats, that is, those which the State authorizes the Panchayat to perform include the planting and preservation of trees on the sides of all public roads in the village, opening and maintenance of public markets, control of fairs and festivals, etc (section 64). Whether any and, if so, what provision should be made for the discharge of the above functions is left to the discretion of the Panchayat.

8. *Property, Funds and Statutory Powers*—(i) *Property.*—All unreserved forests in the village at the commencement of the Act will vest in the Panchayat and be administered by it for the benefit of such village (section 72). All public roads other than those vested in the Government or the Panchayat Union in any village will also vest in the Panchayat (section 76). Any property or income (including any fishery right) which by custom belongs to or has been administered for the common benefit of the inhabitants of the village or town shall, if so declared by the Government, vest in the Panchayat and be administered by it for the benefit of the inhabitants of the village (section 83). All public water courses, springs, tanks, etc., shall vest in the Panchayat and be subject to its control [section 84 (1)]. The Government may also transfer to the control of a Panchayat the protection and maintenance of

any irrigation work, the management of turns of irrigation or the regulation of the distribution of water from any irrigation work to the fields depending on it [section 85 (1)]. The Panchayat shall also have power to execute kudimaramat in respect of any irrigation source in the village or town [section 85 (2)]. The following porambokes, viz., grazing grounds, threshing floors, burning and burial grounds, cattle stands, cart stands and topes shall vest in the Panchayat and the Panchayat shall have power to regulate the use of such porambokes provided the porambokes are at the disposal of the Government [section 86 (1)]. Copies of orders issued or to be issued on roads vested in Panchayats, the Panchayat vested properties other than roads and the Panchayat regulated properties and water works vested in Panchayats, etc., are appended (Appendices II-A, II-B, II-C and II-D).

9. *Funds.*—There shall be a single fund known as the Village Panchayat Fund. The details of receipts which shall be credited to the said Fund and the expenditure to be incurred therefrom are dealt with in the note on Agenda Item No. VI. Separate accounts of special grants and loans sanctioned for specific purposes should be maintained. Similarly a separate account of the proceeds and utilization of the specific tax on agricultural land should be maintained.

10. *Powers.*—The Panchayat shall exercise all the powers expressly assigned to it under the Act; but shall not be entitled to exercise the powers expressly assigned to to its President or Executive Authority.

APPENDIX I-A.

[Vide paragraph 6 (ii) (*b*) under item III of the agenda.]

G.O. No. 1125, L.A., dated 22nd July 1958.

[Panchayats—Work relating to collection of taxes—Entrustment to village officers—Orders passed.]

READ—the following paper:—

G.O. No. 717, L.A., dated 19th May 1954.

Order—No. 1125, *L.A., dated* 22*nd July* 1958.

The question whether revenue villages may be regrouped with reference to panchayat areas so that each revenue village unit could normally be managed by a single village officer who will combine the duties of karnam and headman is under consideration. Pending the reorganization of the village establishments, the Government have decided to utilise the services of the existing village officers for the work relating to collection of taxes by panchayats. The karnams should maintain the tax registers and give any clerical assistance required by the presidents of the panchayats and the headmen should collect the taxes due to these panchayats. Five per cent of the

amount collected by the village headman in each panchayat should be distributed between the village officers and village servants who assist village officers in the collection work as follows:—

Village headman: 2 per cent of the collection.

Karnam: 2 per cent of the collection.

Village servants: 1 per cent of the collection.

The orders in G.O. No. 717, L.A., dated 19th May 1954, will be modified to this extent.

2. The Board of Revenue is requested to issue necessary instructions to the Collectors on the above lines.

3. The Inspector of Municipal Councils and Local Boards, is informed that no clerk-*cum*-bill collectors need be appointed for panchayats in future. Those who have been appointed already should be absorbed to the extent possible in suitable posts in various local bodies in the State in the first instance. If they cannot be so absorbed and if any of them possessing the following qualifications desire to be absorbed as Grama Sevaks, Grade II, the Inspector of Municipal Councils and Local Boards is requested to furnish a list of such clerk-*cum*-bill collectors to the Government in the Public (Rural Development Projects) Department:—

(1) Completed S.S.L.C. with 40 per cent marks in Tamil; and

(2) age not less than 19 and not more than 25 years.

4. The Inspector of Municipal Councils and Local Boards is requested to issue a circular to all panchayats on the lines of paragraph 1 above in consultation with the Board of Revenue.

APPENDIX I-B.

[Vide paragraph 6 (ii) (*b*) under item III of the agenda.]

[Panchayats—Work relating to collection of tax—Entrustment to village officers—Supplemental instructions—Issued.]

In G.O. Ms. No. 1125, L.A., dated 22nd July 1958, it was ordered *inter alia* that, pending the reorganization of village establishment, the services of village officers should be utilized for the work relating to the collection of taxes by Panchayats. The karnam was required to maintain the tax registers and give any clerical assistance required by the Presidents of Panchayats and the village headman was to collect the taxes due to the Panchayat.

2. The Inspector of Municipal Councils and Local Boards has pointed out certain difficulties in entrusting the work relating to the collection of taxes to village officers. The Government have examined the matter in consultation with the Board of Revenue and the Inspector of Municipal Councils and Local Boards. After careful consideration the following supplemental instructions to the orders in G.O. No. 1125, L.A., dated 22nd July 1958, are issued:—

(1) The Tahsildars and Revenue Divisional Officers will have administrative control over the village officers and will retain the power to punish them for bad and poor work relating to Panchayat

works. The Regional Inspectors of Municipal Councils and Local Boards may report such cases to the Tahsildars and Revenue Divisional Officers for action.

(2) The Executive Authority of the Panchayat will have control over the village officers so far as the maintenance of the accounts and the collection of the taxes are concerned.

(3) The work on behalf of the Panchayat shall be an additional item of work and should not be allowed to interfere with the regular work of the Village Officer.

(4) According to the existing rules, the powers to take coercive action against the defaulters for payment of taxes and fees due to the Panchayats vest with the Executive Authorities. These powers should continue to be exercised by the Executive Authorities and need not be given to the Village Officers. It is enough if the Village Officers report the name of the defaulters to the Executive Authorities for taking coercive steps.

(5) The demand for collection has to be first fixed by the Executive Authorities and the demand notices which form part of bill books should be signed by the Executive Authorities and handed over to the village officers for service and collection.

(6) The village officers should report to the Executive Authorities of Panchayats all items of taxes which have not been collected within a period of two years from the date on which they should have been first collected so that the Executive Authorities may take such action as may be necessary to enforce the collection before they get time-barred, the period of limitation for tax items being three years.

(7) The village officers need not remit the collections direct in the banks. They should hand over the collections to the Executive Authorities with reference to the bills issued by them. They should hand over the collections to the Executive Authorities not less than once in a week and obtain acknowledgment from the Executive Authorities.

(8) The procedure outlined in G.O. Ms. No. 1125, L.A., dated 22nd July 1958 should be adopted only by those Panchayats where the Presidents are unable to do the collection work even with the collection staff and require the assistance of the village officers.

(9) The Panchayats may appoint clerical staff wherever necessary with the sanction of the competent authority if such staff is considered necessary in addition to the clerical assistance that will be rendered by village karnams in accordance with G.O. Ms. No. 1125, L.A., dated 22nd July 1958, provided their finances are sound and could afford the cost of such staff.

3. The request of the Tamilnad Village Karnams Sangam, Thanjavur, for the enhancement of the remuneration allowed to the village officers in G.O. Ms. No. 1125, L.A., dated 22nd July 1958, will not be complied with.

APPENDIX II-A.

(Vide paragraph 8 under item III of the agenda.)

G.O. No. 406, L.A , dated 8th March 1960.

[Communications—Roads—Classification as Panchayat Union Roads and Panchayat Roads—Orders issued.]

Order—No. 406, L.A., dated 8th March 1960.

For purposes of control and maintenance, roads in the State are classified by Government as follows:—

(i) National Highways;

(ii) State Highways;

(iii) Major District Roads;

(iv) Other District Roads; and

(v) Village Roads.

The Union Government are responsible for the maintenance and improvement of the National Highways; while the State Government are responsible for the maintenance and improvement of the State Highways and the Major District Roads.

2. Under section 60 (1) of the Madras District Boards Act, 1920, all the public roads in the district which are classified as "district roads" and all public roads in non-panchayat areas in the district vest in the district board. Therefore, of the other district roads and village roads referred to in paragraph 1 above, those in panchayat areas which are classed as district roads and all those in non-panchayat areas in the district are the responsibility of the district board. All other public roads (that is to say roads other than district roads, National Highways, State Highways and Major District Roads) are the responsibility of the panchayats concern in panchayat areas.

3. One of the functions to be performed by the District Development Council under section 5 (2) (*c*) of the Madras District Development Councils Act, 1958, is to advise the Government on the question of classification of public roads (other than roads classified by the Government as National Highways, State Highways and Major District Roads) as "Panchayat Union Roads" and "Village Roads". Under section 77 (1) of the Madras Panchayats Act, 1958, all public roads which are classified as "Panchayat Union Roads" vest in the Panchayat Union Council concerned and under section 65, it is the duty of the Panchayat Union Council to make reasonable provision for the construction, repair and maintenance of all Panchayat Union Roads. Under section 76 (1) of the Madras Panchayats Act, 1958, all public roads in a Panchayat area other than those classified as National Highways, State Highways, Major District Roads and Panchayat Union Roads vest in the panchayat concerned and under

section 63, it is the duty of the panchayat to make reasonable provision for the construction, repair and maintenance of all such roads vested in it.

4. The intention behind the scheme of classification of roads into different categories and the fixation of responsibility for maintenance and control in different authorities is that the Government (Union and State) should maintain, a sufficiently high standard, all roads of All-India and State-wide importance. The State Government should, in addition, maintain so many of the roads of purely inter-district importance as can be efficiently maintained at the appropriate standard, with the help of funds anticipated to be available therefor. This may be expected to be a progressively increasing factor and additions may be made at quinquennial intervals to the roads classified as Major District Roads maintained by Government. It follows that all roads in rural areas which, for the time being, cannot be so maintained should be the responsibility either of Panchayat Unions or of Panchayats.

5. Thus, there will be at any given time, an aggregate of roads which must be maintained either by the Panchayat Union or by the Panchayat. The financial resources of both bodies have been clearly demarcated in the new Act. The classification of some roads as Panchayat Union Roads and all other roads as Panchayat village/town roads must obviously be effected with reference to available resources. Though the Act does not lay down any particular criteria for classification purposes, note should be taken of section 131 of the new Act, which provides a "Local Roads Grant" ear-marked for maintenance of Panchayat Union Roads. The amount of this grant will exceed (in every block) the old "toll compensation" payable to the district board which it replaces. The amount of this grant is also to be settled and reviewed at quinquennial intervals. The intention of the Legislature Committee on Local Administration which recommended this arrangement was that those roads should be classified as Panchayat Union Roads which are recognizably of inter-block importance and which can be maintained, at an appropriate standard with the funds anticipated as available therefor; that is to say the amount calculated at 40 naye Paise per capita *plus* whatever (on the basis of past experience of District Board management) can be expected to be made available, in addition, out of the Panchayat Union (Central) Fund. Whatever is not classified as Panchayat Union Road on this basis, will automatically become classified as Panchayat village/town roads; in respect of the part thereof which lies within the Panchayat Village (or Panchayat Town) notified under the new Act.

6. Collectors are informed that, pending the constitution of panchayat unions, they should now start taking steps to get classified all public roads (other than those falling under the categories of National Highways, State Highways and Major District Roads) as "Panchayat Union Roads" and "Panchayat Roads". For this purpose they should first arrange to prepare a separate list for every Block (including Non-National Extension Service Blocks) of (i) all roads now vested in the district board, and (ii) roads now vested in the Panchayat. The Divisional Engineer (Highways) should then be

called upon to effect the specification within each Block list of the roads which, in his opinion, qualify for classification as Panchayat Union Roads with reference to the criteria set out in paragraph 5 above. The proposals of the Divisional Engineer (Highways) should be then placed before and discussed by the Block Advisory Committee of the Block concerned. Thereafter, the proposals (together with the comments thereon, made by the Block Advisory Committee) should be placed before the Public Works Standing Committee of the District Development Council concerned; and therefore before the District Development Council concerned.

7. Under the rules relating to classification of public roads, fairs and festivals, etc., issued under section 112 (2) (xxxvii) of the Madras Village Panchayats Act, 1950—

(*a*) the classification of public roads shall be ordered by the Inspector in consultation with the Collector and the Chief Engineer (Highways);

(*b*) the district board and the panchayat concerned shall be given a reasonable opportunity of expressing their opinion before any such classification; and

(*c*) the Government shall have power to revise any classification ordered by the Inspector.

Similar rules will be issued under section 178 (2) (xlii) of the Madras Panchayats Act, 1958. Pending the issue of rules under the new Act, the Collectors of districts should order the classification of all public roads other than National Highways, State Highways and Major District Roads as " Panchayat Union Roads " and " Panchayat Roads " after following the procedure laid down in paragraph 6 above.

8. The following time-targets are prescribed for carrying out the operations and completing the classification:—

(i) 31st July 1960 in the case of public roads situated in the first batch of 75 Development Blocks where Panchayat Union Councils will come into existence on 2nd October 1960;

(ii) 31st January 1961 in the case of the second batch of about 130 Development Blocks where the National Extension Service Scheme has already been introduced and the Panchayat Unions will come into existence on 14th April 1961; and

(iii) 31st July 1961 in the case of the third batch of blocks, i.e., all other blocks where the National Extension Service Scheme has not yet been introduced and the Panchayat Union Councils will come into existence on 2nd October 1961. Classified lists of Panchayat Union Roads in every Development Blocks should be submitted to the Government for information.

APPENDIX II-B.

(Vide paragraph 8 under item III of the agenda.)

G.O. No. 606, L.A., dated 18th April 1960.

[Panchayats—Communal property or income—Vesture—Orders issued.]

Order—No. 606, *L.A., dated* 1st *April* 1960.

Under section 83 of the Madras Panchayats Act, 1958, which corresponds to section 58 of the Madras Village Panchayats Act, 1950, any property or income which by custom belongs to, or has been administered for the common benefit of the inhabitants of the village or town or the holders in common of the inhabitants of the village or town or the holders in common of village land generally or of the holders of a particular description or of the holders of lands under a particular source of irrigation shall, vest in the Panchayat concerned and be administered by it for the benefit of the inhabitants or holders aforesaid. The differences between the old Act and the new Act are—

(i) that the new Act contains provision for vesting the fishery right also; and

(ii) that under the new Act, a declaration should be made by Government that the property or income is a communal one; while there were no such provisions in the old Act. Orders have been issued separately in G.O. No. 76, L.A., dated the 12th January 1960, delegating to the Collectors the powers of Government under section 83 of the Madras Panchayats Act, 1958. On an application from the Panchayat for the vesting of any communal property or income in a village, the Collector concerned should after making due enquiry, determine *first* whether or not there is a custom within the meaning of this section; *secondly* having regard to the existing mode of administration of the property or income concerned, it is necessary in the public interest that a declaration should be made under this section. If the Collector is satisfied on these two points he should, by order, make a declaration under this section specifying the beneficiaries thereof; and register the property or income as having become vested in the Panchayat concerned. Thereafter, the Panchayats will administer the property or income for the benefit of the beneficiaries specified in the order of the Collector.

APPENDIX II-C.

(Vide paragraph 8 under item III of the agenda.)

G.O. No. 608, L.A., dated 4th April 1960.

[Panchayats—Panchayat vested properties and panchayat regulated properties—Administration and Regulation—Orders issued.]

Order—No. 608, *L.A., dated* 4*th April* 1960.

1. *Preliminary.*—Under the Madras Village Panchayats Act, 1950 (hereinafter referred to as the old Act), as well as the Madras Panchayats Act, 1958 (hereinafter referred to as the new Act),

certain properties are specifically vested in Panchayats for purposes of administration for the benefit of the village, including use-regulation by Panchayats. There are also certain other properties which (though not vested in panchayats) are still made subject to use-regulation by them. The following orders are issued:—

(i) detailing panchayat-vested properties and other panchayat-regulated properties; and

(ii) specifying the manner in which the powers of administration and regulation are to be exercised by panchayats:—

A. Panchayat-vested properties.

2. *Details of Panchayat-vested properties.*—The properties mentioned below are statutorily vested in panchayats:—

(i) Unreserved forests;

(ii) porambokes classified as grazing grounds, threshing floors, burning and burial grounds, cattle-stands, cart-stands and topes;

(iii) water works other than irrigation works; and

(iv) public roads other than National Highways, State Highways, Major District Roads and Panchayat Union Roads.

3. *Panchayat-vested Unreserved Forests.*—Under section 72 (1) of the new Act which corresponds to section 53 (1) of the old Act, all "Unreserved forests" in the village at the commencement of the Act shall vest in the Panchayat and shall be administered by it for the benefit of such village. It is necessary to be clear about the categories of land referred to as "Unreserved Forests". Under section 2 (34) of the new Act which corresponds to section 2 (24) of the old Act, the term "Unreserved forests" means a forest not notified under section 4 of the Madras Forest Act, 1882 and also includes "Unreserved land" at the disposal of the Government. Land at the disposal of Government includes all unoccupied land whether assessed or unassessed, but does not include patta lands and other lands owned by private persons—vide section 2 of the Madras Forest Act, 1882. Lands which are classified in the Revenue Accounts as "Porambokes" should be deemed (subject to one exception which is referred to presently) to be lands reserved for the particular purposes for which they are so classified. As such all porambokes (other than Forest Porambokes) should be deemed to fall outside the scope of the term "Unreserved land" at the disposal of the Government. There remain assessed wastes or unassessed wastes. Assessed wastes are distinguished from unassessed wastes as being lands which are reserved for assignment on a permanent basis. Assessed wastes also cannot, therefore, be deemed to be "Unreserved Forests" automatically vesting as such in the Panchayat. Thus it follows that all unoccupied lands which, on the date of the Act, were not reserved under the Madras Forest Act, 1882 and were classified in the revenue accounts as either Forest Poramboke or unassessed waste should be deemed to be unreserved land vesting in the Panchayats concerned under the Act. It is necessary that all lands of the nature thus referred to which are situated within the limits of every Panchayat Village/Town and should be identified, listed and

formally placed under the administration of the Panchayat concerned. The Panchayat will thereafter administer the properties for the benefit of the village concerned.

4. *Panchayat-vested porambokes.*—Section 60 (2) of the old Act empowered the panchayats to regulate the use of the following porambokes subject to such restrictions and control as may be prescribed :—

(i) grazing grounds;

(ii) threshing floors;

(iii) burning and burial grounds;

(iv) cattle-stands;

(v) cart-stands; and

(vi) topes.

Formerly these porambokes were *not vested* in the panchayats. But section 86 (2) of the new Act has made an important change. Such porambokes are *now vested* in the panchayats. They may accordingly be referred to as Panchayat-vested porambokes. Action has therefore to be taken to get lists of panchayat-vested porambokes for every Panchayat Village/Town prepared with particulars of survey numbers, etc., and to hand the lists over to the Panchayats concerned. Thereafter, the panchayats will regulate the use of such panchayat-vested porambokes subject to such restrictions and control as may be prescribed by rules.

5. *Panchayat-vested water works.*—Under sub-section (1) of section 84 of the new Act which corresponds to sub-section (1) of section 77 of the old Act, all public water courses, springs, reservoirs, tanks, cisterns, fountains, wells, stand-pipes and other water works and also any adjacent land (not being private property) appertaining thereto shall vest in the panchayat and be subject to its control, if such work of land is not connected with a work of irrigation. Sub-section (2) of the said section provides that Government may, by notification, define or limits such control or assume the administration of any public source of water-supply and public land adjacent and appertaining thereto after consulting the panchayat and giving due regard to its objections, if any. It is necessary that all water works of the nature thus referred to and lands, if any, appertaining thereto which are situated within the limits of any Panchayat Village/Town should be identified, listed and formally placed under the administration of the panchayat concerned. Action under sub-section (2) referred to above may be taken if necessary thereafter.

6. *Panchayat-vested public roads.*—Under section 76 (1) of the new Act which corresponds to section 56 (1) of the old Act, all public roads in a Panchayat Village/Town other than district (Panchayat Union) roads and roads classified by the Government as National Highways and State Highways are vested in panchayats. Orders for locating the roads to be vested in Panchayat Unions and distinguishing them from roads to be vested in panchayats are under issue separately. With reference to these orders, lists should be prepared, with particulars of Survey number, etc. of Panchayat roads vesting in every panchayat separately.

7. *Other Panchayat-vested lands.*—There may be other lands already vested in Panchayats or which may hereafter be vested in Panchayats, as a result of alienation proceedings under the Board's Standing Orders. Though, as stated already, assessed wastes do not automatically vest in Panchayats, it will be open to Panchayats to get such lands vested in them and may apply to the Collector for this purpose. Such applications should be freely granted, unless there are special objections in particular cases.

8. *Rights of Panchayats in vested properties.*—The properties vested in the Panchayats either under the Act—vide paragraphs 2 to 6 above, or those vested as a result of alienation proceedings under the Board's Standing Orders—vide paragraph 7 above, are intended to be used by the panchayats for the purpose or purposes for which they are vested or alienated. The Panchayats will have no right to assign or alienate the properties to other persons.

9. *Preparation of lists of Panchayat-vested properties.*—A list of all properties vested with panchayat shall be prepared by the karnam in duplicate under the columns in the diglott registers. The list shall mention in the remarks column opened for the purpose the names of encroachers, if any, at the time it is prepared. The Firka Revenue Inspectors in the ryotwari tract and the Estate Manager or the Assistant Manager not below the rank of a Deputy Tahsildar in the areas not yet settled under the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948, shall authenticate the correctness of the list.

Where there are trees on these porambokes, they may either be held on tree patta or the right to their usufruct may be sold in each fasli. The karnam should prepare separate lists in duplicate for each class of trees. These lists should be got approved by the Revenue Inspectors in the ryotwari tract, or by the Estate Manager or the Assistant Manager in the estate areas not yet settled under the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948. The Revenue Inspector, the Estate Manager or the Assistant Manager as the case may be should examine them with reference to special orders, if any, issued in the matter.

The list in respect of trees other than those held on tree tax system will enable the Panchayat to take appropriate action in regard to them. Trees held on tree tax system will of course be borne on the revenue accounts and the list of these trees sent to Panchayats are only intended for their information.

The Collectors are requested to take action urgently for the preparation by the Village Officers of the list of Panchayat-vested properties on the lines referred to above and see that the list of the properties are checked during the next jamabandi and that they are handed over to Panchayat President, and their acknowledgments obtained and filed in the Taluk Office for records soon after the jamabandi is over.

If, for any reason, any list prepared and checked at the next jamabandi happens to be incomplete, a supplemental list may be prepared as soon as possible thereafter and issued to the Panchayats

concerned. Under section 164 of the Act, the executive authority or the Commissioner may, by an order in writing, require the headman or karnam or both of any revenue village comprised within the jurisdiction of the Panchayat or Panchayat Union Council to furnish him with information on any matter falling within such categories as may be prescribed in respect of such or any part thereof or any person " property therein.

B. Panchayat Regulated Properties.

10. *Panchayat-regulated poramboke*s.—Section 60 (4) of the old Act which corresponds to section 86 (4) of the new Act empowers the Panchayats to regulate the use of any poramboke other than those referred to in paragraph 4 above, if the panchayat is authorized in that behalf by an order of the Government. Orders have been issued separately in G.O. No. 76, L.A., dated the 12th January 1960, delegating to the District Collectors the power of the Government to issue orders under section 86 (4) of the new Act.

Collectors are requested to make known to all the panchayats in the district the provisions of this section. If and when any panchayat applies for authorisation, to regulate the use of any poramboke for the benefit of the village, Collectors are requested ordinarily to issue such authorisation, unless there are special reasons to the contrary in any particular case. The issue of such authorisation may be subject to such conditions and restrictions as Collectors may find it necessary, from time to time, to stipulate.

11. *Planting and preservation of trees on panchayat-vested properties and panchayat-regulated properties—Provisions of the Act*—(i) *Planting of trees on roads.*—One of the discretionary functions vested in Panchayats under section 64 of the new Act which corresponds to section 51 of the old Act, is the " Planting and preservation of trees " on the sides of public roads in a village. The difference between the old Act and the new Act in this regard is that under the old Act the Panchayat may plant and preserve trees only on the sides of roads vested in it; while under the new Act, the Panchayat may undertake planting and preservation of trees on the sides of *all* public roads in the village or town subject to mutually agreed terms and conditions between the Panchayat and the authority which maintains the road in case the road is not maintained by the panchayat itself.

(ii) *Planting of trees on panchayat-vested properties and panchayat-regulated properties.*—Sub-section (5) of section 86 of the new Act which corresponds to sub-section (5) of section 60 of the old Act provides that the panchayat may subject to such restrictions and control as may be prescribed plant trees on *any* poramboke whether vested in it or not, provided the use of such poramboke is regulated by it under sub-section (2) of sub-section (4) of the same section.

(iii) Government attach very great importance to these provisions. They consider it essential that every panchayat should do its best to plant and preserve trees on porambokes or waste lands, whether or not they are vested in them. This is necessary in order

to increase the fuel, fodder and manurial resources in the village to the maximum practicable extent and thus contribute to the development of agricultural production in the village. The tree plantations thus developed will constitute valuable community assets, yielding income for the Panchayats in future. The question of providing Panchayats with the funds necessary for the purpose is under consideration separately and orders thereon will issue in due course.

(iv) Collectors of districts are requested to bring to the notice of all panchayats the provisions of the Act referred to above and issue instructions to them to undertake a systematic programme of plantation and preservation of trees.

APPENDIX II-D.

(Vide paragraph 8 under item III of the agenda.)

[Transfer of Minor Irrigation Sources for protection and maintenance and execution of kudimaramat—Orders issued.]

1. *Preliminary.*—The First National Subject-matter Seminar on Agriculture, Animal Husbandry, etc., held at Srinagar in October 1957 recommended *inter alia* that Panchayats might be held responsible to arrange for distribution of water from field to field in an economical manner. One of the resolutions of the Regional Minor Irrigation Conference held at Hyderabad in July 1958 was that the maintenance of Minor Irrigation Works should be entrusted to Panchayats or Co-operative Societies in cases where a competent authority was satisfied that the local body was capable of ensuring maintenance.

2. *Provisions of the Acts.*—Sub-Section (1) of section 59 of the Madras Village Panchayats Act, 1950, provides that the Government may, subject to such conditions and control as may be prescribed, transfer to any panchayat (i) the protection and maintenance of any village irrigation work, (ii) the management of turns of irrigation, or (iii) the regulation of distribution of water from any irrigation work to the fields depending on it. Under sub-section (2) of the same section, the panchayat has power, subject to such restricfion and control as may be prescribed (i) to execute "kudimaramat" in hespect of any irrigation source in the village, and (ii) to levy such fee and on such basis for the purposes thereof as may be prescribed. The Madras Panchayats Act, 1958, contains a similar provision in section 85 with further changes (i) that, according to the nature of the case, such assumption of responsibility may be made either by the Panchayat or by the Panchayat Union Council, and (ii) that, where maintenance of any irrigation work is transferred, the fishery rights of Government in such work shall be transferred to and be vested in the panchayat or the Panchayat Union Council, as the case may be, subject however to such terms and conditions including those regarding the utilisation of the income as may be specified by the Government.

3. *Existing position.*—There are thus sufficient *enabling* statutory provisions on the lines of the recommendations of the First National Subject-matter Seminar and the Regional Minor Irrigation Conference referred to in paragraph 1 above. The provisions of the old Act, however, were not availed of, even though in many places the ryots were unable to discharge their kudimaramat obligation and there was real need for the Panchayats to take up the work.

4. *Views of Government in connection with the implementation of the new Panchayats Act.*—(i) The Government consider it necessary, as part of the policy underlying the entrustment of agricultural development work to Panchayat Pnions, that the provisions contained in section 85 (1) of the new Act regarding the transfer of irrigation works should be utilised adequately.

(ii) In the context of implementation of the new Act, Government also consider it very important that Panchayats should be advised to take over kudimaramat in their villages in every case. The need for Panchayat Unions taking up kudimaramat will arise only in exceptional cases where the kudimaramat obligation falls on the ryots of more than one Panchayat Village collectively and the Panchayats concerned are unable to divide up the responsibility among themselves.

5. The Government accordingly pass the following orders:—

(1) Section 85 (1) of the Madras Panchayats Act, 1958, empowers the Government to transfer to the panchayat or the panchayat union the functions relating to (*a*) the protection and maintenance of irrigation works; (*b*) the management of turns or irrigation; and (*c*) the regulation of distribution of water from the irrigation work to the fields depending on it. The Government have decided that these functions should be transferred to the Panchayat Unions and not to the Panchayats. The Government have, however, no objection to the Panchayat Union entrusting to the local panchayat, under section 71 (2) of the Act, the execution of maintenance works, the management of turns of irrigation and the regulation of distribution of water from the irrigation work, if the ayacutdars of the irrigation source request in writing that such entrustment should be effected and if the panchayat concerned agrees (by a resolutions passed by it at a meeting specially convened for the purpose) to take over the said functions and to abide by the conditions upon which the irrigation source has been transferred to the Panchayat Union.

(2) The power vested in the Government under section 85 (1) of the Act, and referred to in sub-paragraph (1) above, has been delegated to the District Collectors under the notification issued with G.O. No. 76, L.A., dated the 12th January 1960. The Collectors are requested to exercise this power subject to the following conditions and control:—

(i) The transfer to any Panchayat Union constituted for a Panchayat Development Block shall be restricted to Minor Irrigation Sources in charge of the Revenue Department, which are situated in such Block, provided that such sources do not form part of a river

irrigation system. For the present, tanks under the control of Public Works Department need not be transferred even if they are unconnected with a river irrigation system.

(ii) In order to enable the Panchayat Union to discharge the responsibility thus entrusted, a special annual grant which may be referred to as the "Local Irrigation Grant" should be made available to the Panchayat Union. The amount of this grant should be fixed by the Collector so as to be equal, as nearly as may be of a sum of *two rupees per irrigated crop acre of agricultural lands under all minor irrigation sources in the panchayat development block.* The amount of "Local Irrigation Grant" thus fixed shall be liable for review and fixation once in every five years. The grant so paid shall be credited to a separate fund which shall be known as the Panchayat Union (Production) Fund; and shall be accounted for separately, from the General and the Education Funds of the Panchayat Union.

(iii) The Panchayat Union shall not effect any alteration in the sluices of the irrigation work or interfere with the standard and specifications laid down in the Tank Restoration Scheme Memoirs in respect of such work or raise, lower or extend the weirs or calingules or make any material alterations in or interfere with the head works, if any, of the channels.

(iv) The Panchayat Union shall be responsible for keeping watch over the bund of irrigation work during the rainy season.

(v) The Panchayat Union shall make good any damage to the sluices, weirs, calingules, channels, head works, bund or other works forming part of or connected with the irrigation work resulting from its misfeasance or non-feasance, the decision of the District Collector as to whether any particular item of damage was the result of any misfeasance or non-feasance on the part of the Panchayat Union being final.

(vi) The Panchayat Union shall not excavate earth at any time for any purpose within thirty feet of either toe of the bund of the irrigation work.

(vii) All works shall be carried out under the control and supervision of the Panchayat Union Engineer (Block Engineer or Supervisor) and shall be subject to supervision of the Revenue Divisional Officer also.

(viii) The Panchayat Union shall have power to regulate the manner and order in which the lands under the irrigation work shall be irrigated, the time at which the supply of water shall continue and the total quantity of water to be supplied, but this power shall be exercised so as adversely to affect any established or customary right to preferential or proportional supply.

(ix) Any function in respect of a village irrigation work transferred to a Panchayat Union may, at any time, be resumed without assigning any reason by the Government or their delegate, the Collector.

(x) A resolution of the Panchayat Union Council agreeing to abide by the conditions referred to above shall be obtained before the minor irrigation sources are transferred to the Panchayats.

6. *Kudimaramat.*—(i) The Madras Compulsory Labour Act, 1858, refers to the existence of a customary obligation to provide free labour for certain types of work on irrigation sources. The law provides that, where the customary obligation was not discharged, the necessary works could be carried out by the Tahsildar and the cost apportioned among the landholders responsible and recovered from them as arrears of land revenue. Section 85 (2) of the Madras Panchayats Act, 1958, which corresponds to section 59 (2) of the Madras Village Panchayats Act, 1950, makes it possible for the Panchayats or Panchayat Union Councils to take over this customary obligation, discharge it and meet the cost by levying a statutory fee for the purpose. Both the 1950 and 1958 Panchayat Acts specially provide that this assumption or responsibility by the panchayat or Panchayat Union Council as the case may be does not exempt the landholders from liability to enforcement of the rules by the Tahsildar in the event of the Panchayats or the Panchayat Union Councils failing to discharge the obligation assumed by them.

(ii) Collectors of districts are requested to take action to bring to the notice of every Panchayat the provisions of section 85 (2) of the Act and induce the Panchayats to assume responsibility for executing Kudimaramat and for discharging their obligation periodically in order to keep irrigation works in good condition. The Panchayats may be informed of the provisions of the Act enabling them to levy suitable fees for executing Kudimaramat. The question of Panchayat Union Councils taking up this obligation need not be considered until the result of the approach to Panchayats has become clear.

(iii) In order to prevent the customary obligation lapsing by disuse, a record should be maintained by the Panchayat Union Commissioner specifying the existence of a customary obligation and its precise nature in respect of each source in which it existed. The nature of the customary obligation will be available in the Settlement Registers of the village and records in the Taluk office. The particulars in respect of each source should be obtained from the Tahsildar and entered in the said registers.

(iv) Sub-paragraph 5 under Board's Standing Order No. 86 and Appendix I and Appendix II to that Standing Order prescribe the maintenance of two registers in Taluk office, namely:—

(*a*) The kudimaramat register for the taluk with a page for each village, and

(*b*) Register showing penalties recovered under the Act and its disposal.

The Board of Revenue has represented that these two registers will be useful for the Panchayats when they take over responsibility for executing Kudimaramat and the maintenance of such registers will be necessary to show what works should be regarded as coming under the purview of the Kudimaramat liability. The Government direct that these two registers now maintained in the Taluk office should also be maintained with such modifications as the Board of Revenue may consider to be necessary and maintained separately for every Panchayat Develoment Block, by the Panchayat Union Commissioner concerned. If any Panchayat in the Block after assuming power and responsibility under section 85 (2) of the Panchayats Act

fails to execute Kudimaramat in respect of any irrigation source the Panchayat Union Commissioner should bring the matter to the notice of the Panchayat Union Council and suggest that the latter may assume the power and responsibility and to execute Kudimaramat in that case. It is only in the very unlikely event of even this attempt failing that it would be necessary for the Panchayat Union Commissioner to bring the fact to the notice of the Tahsildar for enforcing the provisions of the Madras Compulsory Labour Act, 1858.

7. Steps should be taken to transfer to the Panchayat Union concerned the minor irrigation sources in the panchayat development block as soon as practicable after the Panchayat Union Council is constituted. The action taken in this regard should be reviewed at the next two jamabandis by the Jamabandi Officer and the results of such review reported through the Collectors to the Board of Revenue. The Board of Revenue is requested to submit a special report to Government on the action taken in pursuance of this order, after each of the next two jamabandis.

AGENDA ITEM No. IV—PANCHAYAT UNION.

1. *Jurisdiction*—(i) *Excluded areas.*—The following categories of local areas are excluded from the scope of the Madras Panchayats Act, 1958 :—

(i) The City of Madras;

(ii) Municipal towns in other districts;

(iii) Cantonments; and

(iv) The three townships of Mettur, Courtallam and Bhavanisagar.

(ii) *Area of a Panchayat Union.*—The entire territory of Madras State with the exception of the excluded areas above mentioned is to be divided into about 360 Development Blocks. The Blocks will no doubt vary in size and population. The average area per Block would be not far short of 150 square miles and the average population roughly 75,000. Upon the introduction of the Madras Panchayats Act, 1958, in each Development Block, it will become a " Panchayat Development Block " under the new Act with a new set up of Panchayat administration installed therein.

2. *Constitution*—(i) *Governing body.*—A Panchayat Union will be constituted for the Panchayat Development Block as a whole, of which the governing body will be known as the Panchayat Union Council (sections 7 and 11). The Panchayat Union Council is constituted on the principle that it is a co-operative union of all the constituent Panchayats in the block.

(ii) *Strength.*—Every constituent Panchayat will return one member as its representative on the council. The Act requires that this representative should be one of the members of the Panchayat (section 12). Panchayat Union Councillors hold office for five years [section 19 (1)]. There is special provision for securing that every

Panchayat Union Council includes at least three members of the Scheduled Castes and at least three women members. If this number is not forthcoming as a result of election by Panchayats; then the Panchayat Union Council is given the power to co-opt and make up the required minimum number [proviso to sub-section (1) of section 12]. Members of the State Legislature are given the right (by virtue of the location of the constituency in respect of M.L.As. and by virtue of residence in the case of M.L.Cs.) to take part in the proceedings of the Panchayat Union Council. But they are not entitled to vote or to be elected as office-bearers [section 12 (2)].

(iii) *Chairman and Vice-Chairman.*—Every Panchayat Union Council elects its own Chairman and Vice-Chairman from among its members [section 36 (1) and (2)].

3. *Transaction of business.*—The proceedings of every Panchayat Union Council will be governed by rules issued by the Government and by regulations framed by the Panchayat Union Council with the approval of the Inspector (section 51).

4. *Standing Committees.*—Each Panchayat Union Council should constitute an Appointment Committee composed of the Chairman of the Panchayat Union Council, the Panchayat Union Commissioner and one member elected *annually* by the Panchayat Union Council. The Chairman of the Panchayat Union Council shall be the Chairman of the Committee. Appointment to all posts under the Panchayat Union Council, the pay of which is debitable to the funds of the Panchayat Union Council should be made with the prior approval of the Appointment Committee [section 53 (1)]. In addition there should be an Education Committee and a General Purpose Committee in every Panchayat Union. The Panchayat Union Council may, and if so required by the Government shall, appoint such other Committees as may be necessary for the efficient performance of its duties and functions under the Act. The Chairman of the Panchayat Union Council shall be the ex-officio member of each such committee and the other members whose number shall be fixed by the Council shall be elected by the members of the Panchayat Union Council [section 53 (1) (*b*)]. The Panchayat Union Council shall also co-opt outsiders not exceeding one-third of the total number of members of the council on the Committee to be members of such Committees [section 53 (2)]. The powers and duties of every Committee constituted by the Panchayat Union Council shall be determined by regulations made by the Panchayat Union Council [section 53 (3)].

5. *Executive Authority.*—The Act provides for a Government-Appointed Panchayat Union Commissioner to function as the Statutory Executive Authority of every Panchayat Union. The Block Development Officer, who heads the Extension Service Team

in every Development Block will become the Panchayat Union Commissioner under the new Act [Section 44 (1)]. The precise nature of the statutory allocation of functions (as between the Council and the Commissioner of the Panchayat Union) is best indicated by the terms of sections 11 (2), 44 (4) and 44 (5) of the Act. The Commissioner shall have a right to attend the meetings of the Panchayat Union Council or of any Committee thereof and take part in the discussions thereat, but without the right to move any resolution or to vote. He shall attend any meeting of the Council or any Committee if required to do so by the Chairman. He shall carry into effect the resolutions of the Panchayat Union Council, furnish to the Panchayat Union Council periodical progress reports regarding collection of taxes, carrying out resolutions of the Council; control all officers and servants of the Panchayat Union Council; perform all the duties specifically imposed and exercise all the powers conferred on the Commissioner by the Act. He shall exercise the executive powers for the purpose of carrying out the provisions of the Act and be directly responsible for the due fulfilment of the purposes of the Act [section 44 (4)]. The Commissioner may, in cases of emergency, direct the execution of any work or the doing of any Act and report the action taken to the Panchayat Union Council at its next meeting (section 45). The Panchayat Union Council can also issue specific directions regarding the performance by the Commissioner of any of the functions assigned to him under the Act [section 44 (5)].

6. *Establishment*.—The Panchayat Union Councils are vested with the power to fix or alter the number, designations and grade of the officers and servants and the salaries, fees and allowances payable to them. Such powers can be exercised only at the instance of the Commissioner [section 57 (1)]. The Government have also been authorized to exercise the above powers, i.e., to fix or alter the number, designations and grades of the officers and servants of the Panchayat Union Councils and the salaries and fees and allowance payable to them. In such cases, the Panchayat Union Council cannot vary the number, designations, grade, etc., without the previous sanction of the Government [section 57 (3)]. Two or more Panchayat Union Councils may appoint the same officer or servant to exercise or discharge any powers or duties of a similar nature for both or all of them (section 59). The Commissioner shall exercise disciplinary control over the officers and servants of Panchayat Union Councils (section 61).

7. *Mandatory and Discretionary functions*.—(i) In the note on Agenda Item No. II (the New Panchayat Act; the Old Panchayats Act and the District Boards Act) it has been explained as to how the functions of Panchayats and Panchayat Union Councils have been arrived at and how they have been allocated between Panchayats and Panchayat Union Councils.

(ii) The *mandatory functions* of Panchayat Union Councils, i.e., those which according to the Act, it is the duty of the Panchayat Union to make a 'reasonable' provision for and which constitute a first charge on the resources of the Panchayat Union are specified in section 65 of the Act. They include—

(*a*) the construction, repair and maintenance of all public roads in the Panchayat Union which are classified as Panchayat Union roads;

(*b*) the establishment and maintenance of dispensaries;

(*c*) the establishment and maintenance of Maternity and Child Welfare centres and offering advice and assistance to mothers in family planning;

(*d*) construction and maintenance of poor houses, orphanages,, etc.;

(*e*) opening and maintenance and expansion or improvement of elementary schools including the payment of grants to private managements in respect of elementary schools;

(*f*) preventive and remedial measures connected with any epidemic or malaria;

(*g*) control of fairs and festivals classified as those of Panchayat Unions;

(*h*) opening and maintenance of public markets classified as Panchayat Union markets; and

(*i*) improvement of agriculture, agricultural stock and holding of agricultural shows, etc. (section 65).

As soon as a Panchayat Union Council is constituted the Government shall entrust to it, on a statutory basis, the execution of the National Extension Service Scheme of Community Development including in particular all measures relating to the development of agriculture, animal husbandry and village industries (section 66). A Panchayat Union Council may also make provision for carrying the requirements of the Panchayat Union in respect of measures of public utility other than those specified in section 65, calculated to promote the safety, health, comfort or convenience of the inhabitants of the Panchayat Union (section 67).

8. *Property, Funds and Statutory Powers.*—All public roads in any Panchayat Union classified as Panchayat Union roads will vest in the Panchayat Union Council [section 77 (1)]. The Government may also transfer to any Panchayat Union Council the protection and maintenance of any irrigation work and the management of turns of irrigation or the regulation of distribution of water from any irrigation work to the fields depending on it [section 85 (1)]. The Panchayat Union Council may execute kudimaramat in respect of any irrigation source in the village or town and to levy fees therefor [section 85 (2)]. The properties of district boards passing on to the Panchayat Union are detailed in section 13 of the Act.

9. *Funds.*—There shall be two statutory funds, namely, the Panchayat Union (General) Fund and the Panchayat Union (Education) Fund. The receipts, which shall be credited to the above funds are specified in sections 135 and 136 of the Act. A third fund called the "Production fund" should also be maintained. The details of these funds are dealt with in separate notes.

10. *Powers.*—The Panchayat Union Council shall exercise the powers expressly assigned to it under the Act; but shall not be entitled to exercise functions and powers expressly asigned to its Chairman or the Commissioner. So long as there is no panchayat in any part of the Panchayat Union, the Panchayat Union Council shall exercise all the powers including the power of taxation, discharge the duties, perform the functions and be credited with the receipts and debited with the charges of the Panchayat [section 11 (2)].